For the Northern District of California

IN THE UNITE	D STATES	DISTRICT	COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARTHUR CHING, on behalf of himself and all others similarly situated,

Plaintiff.

٧.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant.

No. C 09-2613 MMC

ORDER GRANTING IN PART AND DENYING IN PART STATE FARM'S MOTION FOR SUMMARY JUDGMENT; AFFORDING LEAVE TO FILE SECOND MOTION FOR SUMMARY JUDGMENT; CONTINUING CASE MANAGEMENT CONFERENCE

Before the Court is defendant State Farm Mutual Automobile Insurance Company's ("State Farm") Motion for Summary Judgment, filed February 12, 2010. The matter came on regularly for hearing on May 7, 2010. Richard L. Kellner appeared on behalf of plaintiff Arturo Ching. Laura L. Goodman and Andrew J. King appeared on behalf of defendant.

Having considered the papers filed in support of and in opposition to the motion, and the arguments of counsel, the Court, for the reasons stated on the record at the hearing, rules as follows:

- 1. To the extent defendant seeks summary judgment on plaintiff's First and Fourth Causes of Action, the motion is hereby GRANTED.
- 2. To the extent defendant seeks summary judgment on plaintiff's Second and Third Causes of Action, the motion is hereby DENIED.

The above-referenced denial is without prejudice to defendant's filing a second motion for summary judgment, for the limited purpose of addressing the issue of policy interpretation and its effect on the remaining causes of action. 4. In light of the above, the Case Management Conference is hereby CONTINUED from May 21, 2010 to August 13, 2010; a Joint Case Management Statement shall be filed no later than August 6, 2010. IT IS SO ORDERED. Dated: May 7, 2010 United States District Judge